



## AGENDA

### REGULAR MEETING OF THE BANNING CITY COUNCIL CITY OF BANNING, CALIFORNIA

August 24, 2021  
5:00 p.m.

**In Chamber and via Video/Teleconference**  
Council Chambers  
99 E. Ramsey Street

*The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.*

**This meeting is being held in Chamber and via Video/Teleconference on Zoom so that members of the public may observe and participate in this meeting electronically or telephonically.**

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

<https://us02web.zoom.us/j/87415277765?pwd=dFVSOFBuMGpSeTBSREtPNytXYnhSQT09>

**Meeting ID: 874 1527 7765  
Password: 870511**

Dial in: +1 669 900 9128 US  
Meeting ID: 874 1527 7765

*Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.*

#### **1. CALL TO ORDER**

1.1. Invocation

*Pastor Nathaniel Rodriguez, Infinite Center*

1.2. Pledge of Allegiance

1.3. Roll Call

*Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace*

#### **2. AGENDA APPROVAL**

2.1. Approve Agenda

**3. PRESENTATION(S)**

None

**4. REPORT ON CLOSED SESSION**

4.1. City Attorney

**5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT****5.1. PUBLIC COMMENTS – Non-Agenda Items Only**

*A three (3) minute limitation shall apply to each member of the public who wishes to address the Mayor and Council on a matter not on the agenda. No member of the public shall be permitted to share their time with any other member of the public. Usually, any items received under this heading are referred to staff for future study, research, completion, and/or future Council Action (see Item 10). PLEASE STATE YOUR NAME FOR THE RECORD.*

**5.2. CORRESPONDENCE**

*Items received under this category may be received and filed or referred to staff for future research or a future agenda.*

**5.3. APPOINTMENTS**

Parks and Recreation Commission Appointment..... 7

**5.4. CITY COUNCIL COMMITTEE REPORTS****5.5. CITY MANAGER REPORT****5.6. CITY ATTORNEY REPORT****6. CONSENT ITEMS**

*(The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.)*

**Mayor to Open Consent Items for Public Comments**

**Motion: Approve consent items 6.1 - 6.20.**

*Resolutions require a recorded majority vote of the total membership of the City Council/Banning Utility Authority.*

6.1. Approval of Minutes from the July 27, 2021 City Council Meeting..... 9  
6.2. Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Months of June & July 2021..... 10

6.3. Receive and File Cash, Investments and Reserve Report for the Months of June & July 2021.....	13
6.4. Receive and File Police Department Statistics for June & July 2021.....	17
6.5. Receive and File Fire Department Statistics for June & July 2021.....	18
6.6. Receive and File Parks and Recreation Report the Month of June 2021.....	19
6.7. Receive and File Contracts Approved Under the City Manager's Signature Authority for the Months of June & July 2021.....	21
6.8. Public Works Capital Improvement Project Tracking List for June & July 2021.....	22
6.9. Resolution 2021-75, a Joint Resolution Approving the I-10 Corridor Strategic Plan.....	23
6.10. Resolution 2021-78 Authorizing the City Manager or Designee to Enter into a Contract with California Department of Transportation (Caltrans) for a Sustainable Communities Planning Grant for the Downtown Revitalization and Complete Streets Plan.....	25
6.11. Annual Renewals for the Agreement with ECS Imaging, Inc. for Continued Laserfiche Cloud Records Management System Services.....	27
6.12. Resolution 2021-71, Approving the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant, and Provision of 10.0 Mpbs Internet Feed to City Hall for Fiscal Year 2021-2022 for \$31,188.....	29
6.13. Resolution 2021-79 Approving Revisions to the Compensation and Classification Plan .....	31
6.14. Resolution No. 2021-77 Authorizing the Acceptance of an Allocation of Funds and Execution of an Airport American Rescue Plan Act (ARPA) Coronavirus Relief Grant Agreement with the Federal Aviation Administration.....	34
6.15. Approving an Increase in the amount of \$10,000 to Fiscal Year 2020/2021 Blanket Purchase Order with Nobel Systems, Inc. for Geographic Information Services (GIS) in the amount of \$10,000 for a total of \$24,600.....	36
6.16. Resolution 2021-74 Approving and Authorizing the Application for the Outdoor Equity Grant Program.....	38
6.17. Approving an Increase in the amount of \$2,200 to Fiscal Year 2020/2021 Blanket Purchase Order with Ken Grody Redlands Ford for Auto Parts and Repairs.....	40
6.18. Approving an Increase in the amount of \$1,140 to Fiscal Year 2020/2021 Blanket Purchase Order with The Mobile Turtle for Cleaning and Disinfection of Banning Connect Transit Vehicles.....	42
6.19. Resolution 2021-76 Declaring Pursuant to Government Code Section 54221 that real property owned by the City located at 1909 East Ramsey. (APN: 532-120-011) as surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.....	44
6.20. Adopt Resolution 2021-08 UA, Approving the Third Amendment to the Agreement with G & G Environmental Compliance of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services.....	49

## **7. PUBLIC HEARING(S):**

- 7.1. Ordinance 1577, an Ordinance of the City of Banning amending the Banning Municipal Code by (1) amending Chapters 3.15 and 3.17 of Title 3 pertaining to microbusinesses, (2) amending Chapters 5.33 and 5.35 of Title 5 establishing regulatory requirement for microbusinesses, (3) amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 of Title 17 (Zoning Text Amendment (ZTA) 21-97501) establishing zoning standards for cannabis microbusinesses, (4) making additional conforming amendments to regulations pertaining to commercial cannabis businesses, and (5) making a determination that the Ordinance is exempt from CEQA review pursuant to CEQA Guidelines sections 15060 (c) (3) and 15061 (b) (1).....**52**  
*(Staff Report: Adam Rush, Community Development Director)*

**Recommendation:** That the City Council (1) Make a determination, pursuant to Sections 15060(c)(3) and 15061(b)(1) of the California Environmental Quality Act (CEQA) Guidelines that the project is exempt from CEQA pursuant to Business and Professions Code section 26055(h); and, (2) Introduce for first reading City Council Ordinance 1577, accepting Planning Commission recommendation to approve Zoning Text Amendment 21-97501, Amending Title 17, amending Chapters 3.15, 3.17, 5.33, 5.35, 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 making additional amendments to regulations pertaining to commercial cannabis businesses of the Banning Municipal Code (BMC).

- 7.2. Resolution 2021-73 Accepting the 2021 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Award and Authorization to Execute an Interlocal Agreement with Riverside County for the Distribution of Grant Funds.....**60**  
*(Staff Report: Matthew Hamner, Chief of Police)*

**Recommendation:** Staff recommend City Council conduct a public hearing on the proposed use of these grant funds and approve Resolution 2021-73, accepting grant funds in the amount of \$10,570 and approving execution of the Interlocal Agreement with Riverside County concerning distribution of the 2021 JAG award funds.

## **8. REPORT OF OFFICERS**

- 8.1. Consider Approval of Employment Agreement for Suzanne Cook, Finance Director .....**62**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Staff recommends Council authorize the City Manager to execute the Employment Agreement with Suzanne Cook for the position of Finance Director.

- 8.2. Consider Rescinding Resolution No. 2017-44 that Declared it Shall be a Goal of the City of Banning to Close the Banning Municipal Airport as soon as Legally Permitted .....**64**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** No action is recommended at this time.

- 8.3. Resolution 2021-72, Declaration of Emergency Shelter Crisis.....**68**  
*(Staff Report: Doug Schulze, City Manager)*

**Recommendation:** Staff recommends Council (1) approve Resolution No. 2021-72, Declaring an Emergency Shelter Crisis; and (2) authorize the City Manager to proceed with plans to re-establish a homeless village on City-owned land located on 22nd Street south of IH-10.

**9. DISCUSSION ITEM(S)**

None

**10. ITEMS FOR FUTURE AGENDAS**

10.1. New Items:

10.2. Pending Items:

1. Permanent Homeless Solution
2. Shopping Cart Ordinance Update
3. Scholarship/Internship Program
4. Census/Redistricting
5. Golf Cart/EV Ordinance
6. Airport Advisory Commission

**11. ADJOURNMENT**

***Next Meeting – September 14, 2021 at 5:00 p.m.***

## AFFIDAVIT

IT IS HEREBY CERTIFIED under the laws of the State of California that the above Agenda was posted on the City's website ([www.banningca.gov](http://www.banningca.gov)) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, by 4:00 P.M. on the 19th day of August 2021.



Caroline Patton, Deputy City Clerk

## PUBLIC NOTICE

### **Meeting Agendas and Notices**

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through Notify Me (<https://banningca.gov/list.aspx>). Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website ([www.banningca.gov/archive](http://www.banningca.gov/archive)).

### **Public Comment**

#### *Agenda Items*

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

#### *Non-Agenda Items*

Any member of the public may address this meeting of the Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

### **Special Assistance/Accessibility Requests**

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the Office of the City Clerk. Advanced notification of at least 48 hours prior to the meeting will allow the City to make arrangements to ensure your accessibility.

## CONTACT

Office of the City Clerk • 951-922-3102 • [cpatton@banningca.gov](mailto:cpatton@banningca.gov)  
99 East Ramsey Street, Banning, California 92220



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Caroline Patton, Deputy City Clerk *CP*

**MEETING DATE:** August 24, 2021

**SUBJECT:** Appointment of Parks and Recreation Commissioner to Fill Vacancy

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### **RECOMMENDED ACTION:**

Staff respectfully recommends that City Council make a motion to appoint one of the Parks and Recreation Commission Applicants to serve the remainder of A.J. Cabral's term, which was vacated upon his resignation on June 14, 2021. The four-year term will conclude on January 31, 2023.

### **BACKGROUND:**

The Office of the City Clerk worked in concert with the Parks and Recreation Department to develop and publish a revised application and public notice. The vacancy was advertised in the Record Gazette, on the City's website, the City's Facebook page, as well as the Banning Parks and Recreation Facebook page.

After a 35-day application period, the Office of the City Clerk received five applications. All five applicants are registered voters in the City of Banning and are qualified to serve. Applicant interviews are scheduled to occur at a Special Meeting of the City Council beginning at 3:30 p.m. on August 24, 2021.

### **ALTERNATIVES:**

Following these interviews, City Council may move to appoint an applicant to fill the vacancy on the Parks and Recreation Commission. Alternately, Council could delay their appointment decision until their next Regular Meeting on September 14, 2021, reopen the recruitment, or provide staff other direction.

### **ATTACHMENTS:**

1. Memorandum on Parks and Recreation Applications Received  
[https://banningca.gov/DocumentCenter/View/9202/2021-08-04\\_Memo-for-PRC-Applications](https://banningca.gov/DocumentCenter/View/9202/2021-08-04_Memo-for-PRC-Applications)

Staff Report: Parks and Recreation Commissioner Appointment

August 24, 2021

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2. Public Notice of Vacancy

[https://banningca.gov/DocumentCenter/View/9203/2021-06-25\\_Proof-of-Publication](https://banningca.gov/DocumentCenter/View/9203/2021-06-25_Proof-of-Publication)

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Caroline Patton, Deputy City Clerk *CP*

**MEETING DATE:** August 24, 2021

**SUBJECT:** Minutes of the July 27, 2021 City Council Meeting

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### **RECOMMENDED ACTION:**

Approve the Minutes of the July 27, 2021 City Council Meeting.

### **OPTIONS:**

1. Approve as recommended.
2. Approve with modifications.
3. Do not approve and provide alternative direction.

### **ATTACHMENT:**

1. Minutes of the July 27, 2021 Special Meeting  
[https://banningca.gov/DocumentCenter/View/9204/2021-07-27\\_Minutes\\_Special-Meeting](https://banningca.gov/DocumentCenter/View/9204/2021-07-27_Minutes_Special-Meeting)

Approved by:

A handwritten signature in blue ink, appearing to read "D. Schulze".

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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** August 24, 2021

**SUBJECT:** Approval and Ratification of Accounts Payable and Payroll Warrants Issued in the Month of June and July 2021

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### **RECOMMENDATION:**

That City Council review and ratify the warrants for period ending **June 30, 2021**, per California Government Code Section 37208.

### **WARRANT SUMMARY:**

#### **June 2021**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	178502-179028	\$ 3,267,585.04	
Voided / Reissue Check		\$ 125.00	
	<b>Check Total</b>		<b>\$ 3,267,460.04</b>
	<b>Wires Total</b>		<b>\$ 1,260,439.71</b>

**ACH payments:** 9007021-9007039

Payroll Direct Deposit 6/4/2021	\$ 448,840.78
Payroll Direct Deposit 6/18/2021	\$ 581,235.47
Other Payments	\$ 807,568.57
<b>ACH Total</b>	<b>\$ 1,837,644.82</b>

**Payroll Checks:** 12335-12363

Payroll - Regular 6/4/2021	\$ 1,786.94
Payroll - Regular 6/18/2021	\$ 3,440.35
<b>Payroll Check Total</b>	<b>\$ 5,227.29</b>

<b>Total Warrants Issued for June 2021</b>	<b>\$ 6,370,771.86</b>
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Staff Report: Accounts Payable and Payroll Warrants for June & July 2021

August 24, 2021

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**July 2021**

Description	Payment #	Amount	Total Amount
<b>Checks:</b>			
Checks Issued during Month	179029-179309	\$ 6,038,870.24	
Voided / Reissue Check		\$ 1,912.00	
<b>Check Total</b>			\$ 6,036,958.24
<b>Wires Total</b>			\$ 1,472,871.61
<b>ACH payments:</b>			
Payroll Direct Deposit	7/2/2021	\$ 450,808.29	
Payroll Direct Deposit	7/16/2021	\$ 539,702.82	
Payroll Direct Deposit	7/30/2021	\$ 470,483.84	
Other Payments		\$ 4,520,601.11	
<b>ACH Total</b>			\$ 5,981,596.06
<b>Payroll Checks:</b>			
Payroll - Regular	7/2/2021	\$ 6,741.63	
Payroll - Regular	7/16/2021	\$ 6,792.41	
Payroll - Regular	7/30/2021	\$ 5,231.71	
<b>Payroll Check Total</b>			\$ 18,765.75
<b>Total Warrants Issued for July 2021</b>			\$ 13,510,191.66

**ATTACHMENTS:**

1. Fund List  
<https://banningca.gov/DocumentCenter/View/9250/Attachment-1--Fund-List>
2. Warrant Report June 2021  
<https://banningca.gov/DocumentCenter/View/9256/Attachment-2--Warrant-Report-June-2021>
3. Warrant Report Detail June 2021  
<https://banningca.gov/DocumentCenter/View/9254/Attachment-3--Warrant-Report-Detail-June-2021>
4. Voided Check Log, Payroll Log & Registers – June 2021  
<https://banningca.gov/DocumentCenter/View/9255/Attachment-4--Void-Check-Log-Payroll-Log-and-Payroll-Registers>

**JULY 2021**

5. Warrant Report July 2021  
<https://banningca.gov/DocumentCenter/View/9252/Attachment-5--Warrant-Report-July-2021>

Staff Report: Accounts Payable and Payroll Warrants for June & July 2021

August 24, 2021

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6. Warrant Report Detail July 2021

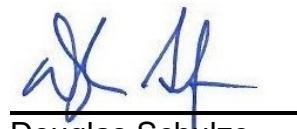
<https://banningca.gov/DocumentCenter/View/9253/Attachment-6--Warrant-Report-Detail-July-2021>

7. Voided Check Log, Payroll Log & Registers – July 2021

<https://banningca.gov/DocumentCenter/View/9251/Attachment-7--Void-Check-Payroll-Log-and-Payroll-Register>

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Finance Director  
A'ja Wallace, Budget and Financial Analyst

**MEETING DATE:** August 24, 2021

**SUBJECT:** Receive and File Cash, Investments and Reserve Report for the Month of June and July 2021

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### RECOMMENDATION:

That City Council receive and file Cash, Investment and Reserve Report for **June 30, 2021** and **July 31, 2021** in accordance with California Government Code 53646.

### CASH AND INVESTMENT SUMMARY:

June 2021

Description	Prior Month	Current Month
<b>Funds Under Control of the City</b>		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 6,670,755.92	\$ 18,115,826.14
Investments		
LAIF	\$ 39,712,747.94	\$ 39,712,747.94
Brokerage	\$ 27,534,601.42	\$ 27,534,726.15
<b>Total Funds Under Control of the City</b>	<b>\$ 73,922,260.28</b>	<b>\$ 85,367,455.23</b>
<b>Funds Under Control of Fiscal Agents</b>		
US Bank		
Restricted Bond Project Accounts	\$ 11,671,251.98	\$ 11,671,313.43
Restricted Bond Accounts	\$ 4,820,128.55	\$ 4,820,129.34
Union Bank & SCPPA		
Restricted Funds	\$ 4,036,823.18	\$ 3,824,398.95
<b>Total Funds Under Control of Fiscal Agents</b>	<b>\$ 20,528,203.71</b>	<b>\$ 20,315,841.72</b>
<b>Total Funds</b>	<b>\$ 94,450,463.99</b>	<b>\$ 105,683,296.95</b>

Staff Report: Investment Report for June & July 2021

August 24, 2021

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**July 2021**

Description	Prior Month	Current Month
<b>Funds Under Control of the City</b>		
Cash		
Cash on Hand	\$ 4,155.00	\$ 4,155.00
Checking and Savings Accounts	\$ 18,115,826.14	\$ 17,507,737.54
Investments		
LAIF	\$ 39,712,747.94	\$ 39,745,172.25
Brokerage	\$ 27,534,726.15	\$ 27,534,846.86
<b>Total Funds Under Control of the City</b>	<b>\$ 85,367,455.23</b>	<b>\$ 84,791,911.65</b>
<b>Funds Under Control of Fiscal Agents</b>		
US Bank		
Restricted Bond Project Accounts	\$ 11,671,313.43	\$ 11,671,372.89
Restricted Bond Accounts	\$ 4,820,129.34	\$ 4,820,120.59
Union Bank & SCPPA		
Restricted Funds	\$ 3,824,398.95	\$ 3,643,425.29
<b>Total Funds Under Control of Fiscal Agents</b>	<b>\$ 20,315,841.72</b>	<b>\$ 20,134,918.77</b>
<b>Total Funds</b>	<b>\$ 105,683,296.95</b>	<b>\$ 104,926,830.42</b>

**RESTRICTED, ASSIGNED, COMMITTED AND RESERVED SUMMARY:**

**June 2021**

Description	Prior Month	Current Month
<b>Total Funds</b>	<b>\$ 94,450,463.99</b>	<b>\$ 105,683,296.95</b>
Restricted Funds	42,822,185.76	\$ 43,228,334.12
Assigned Funds - Specific Purpose	8,881,339.00	\$ 8,881,339.00
Committed Funds - Specific Purpose	2,125,858.25	\$ 3,525,858.25
Fund Balance Reserves	13,059,561.44	\$ 13,237,530.48
<b>Total Restricted, Assigned, Committed and Reserves</b>	<b>\$ 66,888,944.45</b>	<b>\$ 68,873,061.85</b>
<b>Operating Cash - Unrestricted Reserves</b>	<b>\$ 27,561,519.54</b>	<b>\$ 36,810,235.10</b>
Less Accounts held in Investments	\$ 27,534,601.42	\$ 27,534,726.15
Liquid Cash	\$ 26,918.12	\$ 9,275,508.95

**July 2021**

Description	Prior Month	Current Month
<b>Total Funds</b>	\$ 105,683,296.95	\$ 104,926,830.42
Restricted Funds	43,228,334.12	\$ 41,542,785.22
Assigned Funds - Specific Purpose	8,881,339.00	\$ 8,881,339.00
Committed Funds - Specific Purpose	3,525,858.25	\$ 3,525,858.25
Fund Balance Reserves	13,237,530.48	\$ 13,237,530.48
<b>Total Restricted, Assigned, Committed and Reserves</b>	\$ 68,873,061.85	\$ 67,187,512.95
<b>Operating Cash - Unrestricted Reserves</b>	\$ 36,810,235.10	\$ 37,739,317.47
Less Accounts held in Investments	\$ 27,534,726.15	\$ 27,534,846.86
Liquid Cash	\$ 9,275,508.95	\$ 10,204,470.61

**ATTACHMENTS:****JUNE 2021**

1. Cash, Investment and Reserve Report June 2021  
<https://banningca.gov/DocumentCenter/View/9248/Attachment-1--Cash-Investment-and-Reserve-Report-June-2021>
2. Investment Report June 2021  
<https://banningca.gov/DocumentCenter/View/9249/Attachment-2--Investment-Report-June-2021>
3. City of Banning Broker Investment Report – June 2021  
<https://banningca.gov/DocumentCenter/View/9245/Attachment-3-City-of-Banning-Broker-Report-June>
4. LAIF / PMIA Performance Report  
<https://banningca.gov/DocumentCenter/View/9246/Attachment-4--PMIA-LAIF-Performance-Report-June-2021>
5. LAIF Market Valuation Report June 2021  
<https://banningca.gov/DocumentCenter/View/9247/Attachment-5--LAIF-Market-Valuation-June-2021>

**JULY 2021**

6. Cash, Investment and Reserve Report July 2021  
<https://banningca.gov/DocumentCenter/View/9243/Attachment-1--Cash-Investment-and-Reserve-Report-July-2021>

7. Investment Report July 2021  
<https://banningca.gov/DocumentCenter/View/9244/Attachment-2--Investment-Report-July-2021>
8. City of Banning Broker Investment Report – July 2021  
<https://banningca.gov/DocumentCenter/View/9240/Attachment-3--City-of-Banning-Broker-Report>
9. LAIF / PMIA Performance Report  
<https://banningca.gov/DocumentCenter/View/9241/Attachment-4-PMIA-LAIF-Performance-Report-July-2021>
10. LAIF Market Valuation Report July 2021  
<https://banningca.gov/DocumentCenter/View/9242/Attachment-5--LAIF-Market-Valuation-July-2021>

If you have any questions, please contact the Finance Department so that additional detailed information can be provided to you.

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Matthew Hamner, Police Chief  
Angie Lam, Police Assistant II

**MEETING DATE:** August 24, 2021

**SUBJECT:** Receive and File Police Department Statistics for the Months of June and July 2021

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### **RECOMMENDED ACTION:**

Receive and File Police Statistics for the months of June and July 2021.

### **BACKGROUND:**

The Police Department provides statistics to the public and City Council upon request.

### **ALTERNATIVES:**

1. Receive and File

### **ATTACHMENTS:**

1. Police Statistics for June 2021  
<https://banningca.gov/DocumentCenter/View/9200/June-2021-Police-Statistics>
2. Police Statistics for July 2021  
<https://banningca.gov/DocumentCenter/View/9257/July-2021-stats>

Approved by:

A handwritten signature in blue ink, appearing to read "AS" and "SL".

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Todd Hopkins, Division Chief  
Laurie Sampson, Executive Assistant

**MEETING DATE:** August 24, 2021

**SUBJECT:** Receive and File Fire Department Statistics for the Months of June and July 2021

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### **RECOMMENDED ACTION:**

Receive and File Fire Department statistics for the months of June and July 2021.

### **BACKGROUND:**

The Fire Department provides statistics to the public and City Council upon request.

### **FISCAL IMPACT:**

None

### **ATTACHMENTS:**

1. Fire Statistics for June 2021  
<https://banningca.gov/DocumentCenter/View/9201/Banning-June-2021-Fire-Report>
2. Fire Statistics for July 2021  
<https://banningca.gov/DocumentCenter/View/9228/Banning-July-2021-Fire-Report>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Ralph Wright

**MEETING DATE:** August 24, 2021

**SUBJECT:** Parks and Recreation Report of Monthly Activities End of Fiscal Year - June 2021

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### **RECOMMENDATION:**

That the City Council receive and file the monthly activities report.

### **BACKGROUND:**

To better track the participation levels of parks and recreation program offerings and the facilities usage for parks and recreation programs and services, staff developed a monthly report that would be used to compile our numbers, help tell our story and allow for easy comparison from year to year.

The nine-page report includes parks staff activities, park and facility usage, sports and classes participation, Senior activities, Banning Connect passes sold, aquatics programming and special events. The report is aligned with the fiscal year, July through June and compiled each month.

Staff brings the report to the Council after each quarter of the Fiscal Year.

Attached in this item, is the June 2021 report that contains information through the 4<sup>th</sup> quarter of FY 2020-21.

As the Council is aware, much of the parks and recreation programming has been canceled or modified during the coronavirus pandemic and staffing levels had been reduced. Beginning in 2021, restrictions on indoor programming, sports and rentals were incrementally lifted and effective June 15<sup>th</sup>, the tiered guidelines were removed, and we no longer had capacity or activity-based restrictions limiting our offerings. For the Summer season, we hired new seasonal staff but did operate at a reduced participation level due to staff limitations.

Of note, the Senior Center has been closed for the past sixteen months. During this time, the congregate meal program was redesigned to deliver frozen weekly meals to

August 24, 2021

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our Seniors and participation in the meal program has seen a significant increase of nearly 130%. Similar growth in our Fill the Cupboard food pantry has taken place. Additionally, since the seniors have lost a significant opportunity to socialize, staff has increased their morning greeter program by nearly six to ten-fold during the pandemic to offer socialization for our senior population as well as connect seniors with needed services.

**ATTACHMENT:**

1. Parks and Recreation Monthly Report of Activities for June 2021

<https://banningca.gov/DocumentCenter/View/9199/Jun-21>

Approved by:



\_\_\_\_\_  
Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Laurie Sampson, Executive Assistant

**MEETING DATE:** August 24, 2021

**SUBJECT:** Receive and File Contracts Approved Under the City Manager's Signature Authority, including CUPPCAA Projects, for the Months of June and July 2021

---

### **RECOMMENDATION:**

Receive and file contracts approved under the City Manager's signature authority, including CUPPCAA projects, for the Months of June and July 2021.

### **BACKGROUND:**

City Council requested regular reports of contracts signed under the City Manager's signature authority of \$25,000 or less and CUPPCAA projects up to \$250,000.

### **ATTACHMENT:**

1. Contracts List for June and July 2021  
<https://banningca.gov/DocumentCenter/View/9233/2021-Executed-Contracts-up-to-25000>

Approved by:

A handwritten signature in blue ink, appearing to read "DS".

Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works/City Engineer

**MEETING DATE:** August 24, 2021

**SUBJECT:** Public Works Capital Improvement Project Tracking List

---

### **RECOMMENDED ACTION:**

This is informational only; receive and file report.

### **BACKGROUND:**

There are several planning, environmental, design and construction contracts that have been approved by City Council and/or the City Manager's office that are being managed by the Public Works Department. In an effort to keep the City Council and the public informed of the progress made and current status of each project, staff has prepared and will continue to update the attached Public Works CIP Tracking List. The list will be presented to City Council on a monthly basis.

### **ATTACHMENT:**

1. CIP Status List  
<https://banningca.gov/DocumentCenter/View/9234/Attach-1-CIP-Update-August-2021>

Approved by:

A handwritten signature in blue ink, appearing to read "AS" and "AS".

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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-75, a Joint Resolution Approving the I-10 Corridor Strategic Plan

---

### **RECOMMENDED ACTION:**

Staff recommend City Council adopt Resolution 2021-75, a joint resolution to expand and diversify the San Gorgonio Pass Regional Transportation System to mitigate environmental impacts and support regional economic growth through support for a I-10 Corridor Strategic Plan.

### **BACKGROUND:**

The Mayors and City Managers of the San Gorgonio Pass cities of Banning, Beaumont and Calimesa, the Morongo Band of Mission Indians Tribal Council and Riverside County Supervisor Jeff Hewitt have been discussing the value of a jointly supported strategic plan for the I-10 corridor. A strategic plan for this area will help to prioritize transportation projects along the I-10 corridor and allow the elected and appointed officials from the cities, tribe, and county to support projects within the corridor. The plan would seek to mitigate environmental impacts of transportation by diversifying available modes of transit in the pass while supporting regional economic growth.

### **JUSTIFICATION:**

A strategic plan that is supported by the pass cities of Banning, Beaumont and Calimesa, the Morongo tribe, and Riverside County will greatly improve the ability for each of these entities to secure support and funding from regional, state and federal agencies and help promote economic growth across these local communities.

### **ATTACHMENT:**

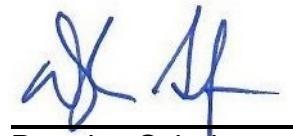
1. Resolution No. 2021-75 Approving a Joint Resolution Supporting the I-10 Strategic Corridor Plan  
<https://banningqca.gov/DocumentCenter/View/9197/Resolution-2021-75-Supporting-I-10-Strategic-Plan>

Staff Report: Joint Resolution Supporting I-10 Corridor Strategic Plan

August 24, 2021

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Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Jennifer Jackson, Grants Coordinator

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-78 Authorizing the City Manager or Designee to Enter into a Contract with California Department of Transportation (Caltrans) for a Sustainable Communities Planning Grant for the Downtown Revitalization and Complete Streets Plan

---

### **RECOMMENDATION:**

The City Council adopt Resolution 2021-78, authorizing the City Manager or Designee to enter into a contract with the California Department of Transportation (Caltrans) for a Sustainable Communities Planning Grant for the Downtown Revitalization and Complete Streets Plan.

### **BACKGROUND:**

On June 22, 2021, the City of Banning was awarded a \$297,461 Sustainable Communities Grant from Caltrans to retain the services of an experienced and qualified engineering consultant to develop the Downtown Revitalization and Complete Streets Plan.

### **JUSTIFICATION:**

The Downtown Revitalization and Complete Streets Plan ("Plan") will identify necessary transportation improvements and provide a roadmap for development for an approximate 1/2-mile corridor downtown on Ramsey St., Banning's first business district. (Attachment 2).

The Plan will also provide a clear and comprehensive "Complete Streets" framework for safer travel for all users (vehicles, pedestrians, bicyclists, transit, ride-share, electric vehicles).

The planning process will commence with a comprehensive evaluation of the downtown corridor. The consultant will analyze the current environment and assess the ability to

construct new infrastructure or re-configure existing conditions to create a safer, more accessible, business-friendly environment.

In addition, the engineers will study accident data and traffic counts, assessing specific risks at each intersection and recommending specific countermeasures. The consultant will also assess and recommend storm water management improvements and greening elements that can be added to the corridor to beautify it and also protect the environment.

Ultimately, the Plan will include agreed-upon vision and policy statements, identification of the stakeholder team, a summary of the public input process, descriptions and characteristics of the City's street landscape and land use, a description of the existing travel environment and barriers, proposed improvements to increase active transportation, and a phased implementation plan. The completed Plan will provide an important blueprint for guiding all future improvements in the downtown corridor.

**FISCAL IMPACT:**

The total project cost for the Downtown Revitalization and Complete Streets plan has been established at \$336,000. The project funding includes \$297,461 in reimbursable grant funds from Caltrans and local matching funds in the amount of \$38,539. The local match will be provided as in-kind staff time allocated to the project.

**ATTACHMENTS:**

1. Resolution 2021-78  
<https://banningca.gov/DocumentCenter/View/9207/Attachment-1-Resolution-2021-78>
2. Downtown Revitalization and Complete Streets Project Location Map  
<https://banningca.gov/DocumentCenter/View/9206/Attachment-2-Project-Location-Map>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Carla Young, Business Support Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Annual Renewals for the Agreement with ECS Imaging, Inc. for Continued Laserfiche Cloud Records Management System Services

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### **RECOMMENDATION:**

Staff recommends City Council: (1) approve annual service and maintenance renewals for the contract with ECS Imaging, Inc. for the Laserfiche cloud document imaging system in the amount of \$27,335.80 annually; and (2) approve up to an additional 10 user licenses, as needed, and authorize the City Manager to execute any required change orders, amendments, and associated documents.

### **BACKGROUND:**

On September 8, 2020, City Council approved the contract with ECS Imaging, Inc. for installation of Laserfiche cloud document imaging system in the amount of \$51,734.20 for the first year, \$25,325.20 annually thereafter for cloud services and annual maintenance. In an administrative oversight, the first-year discount was applied to the cost of subsequent years maintenance costs. Staff is correcting this by seeking approval for the correct amount at this time. Additionally, staff has realized that the number of users accounted for did not accommodate for any growth the City would experience. The addition of 10 licenses will only be exercised on an as needed basis. The volume of documents produced by the City has identified that the necessity to maintain an efficient and cost-effective information storage and retrieval process, while meeting the set retention policies of the organization are best accomplished with the continued cloud document imaging system previously approved with ECS Imaging, Inc.

### **JUSTIFICATION:**

Document storage is a vital process for all City departments and is an important task in daily operations. The City's needs document imaging services in order to establish efficient and expeditious filing and retrieval of information relating to organization processes.

**FISCAL IMPACT:**

Funds were allocated to the information technology budget for continued service and maintenance of the document imaging system.

**ALTERNATIVES:**

1. Approve as recommended
2. Do not approve and provide alternative direction

**ATTACHMENTS:**

1. FY 2021-2020 Invoice

<https://banningca.gov/DocumentCenter/View/9261/ECS-FY-2021-22-Invoice>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Carla Young, Business Support Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-71, Approving the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant, and Provision of 10.0 Mpbs Internet Feed to City Hall for Fiscal Year 2021-2022 for \$31,188

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### **RECOMMENDATION:**

Approve the Agreement with Cybertime Network Communications for Citywide Looped Microwave Backbone System and Data Circuit to the Water Plant and Provision of 10.0 Mpbs Internet Feed to City Hall and Authorizing the City Manager to execute the related agreement.

### **BACKGROUND:**

Beginning 2010 Cybertime Network Communications has provided the City of Banning High-Speed Interconnectivity Services and Technical Support as a sole source provider. The High-Speed Data System provides a private, secure and City dedicated network which interconnects multiple City departments and facilities. Cybertime owns and maintains all of the system components.

### **JUSTIFICATION:**

The continued private and secure communications between the City departments and facilities are vital to maintain daily operations.

### **FISCAL IMPACT:**

Funds are currently available in the Fiscal Year 2020 operating budgets of Water Department (\$22,800) and Information Technology (\$8,388). No additional appropriation is necessary.

August 24, 2021

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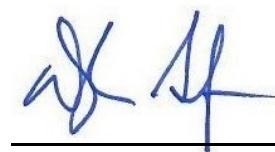
**ALTERNATIVES:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

**ATTACHMENTS:**

1. Resolution 2021-71  
<https://banningca.gov/DocumentCenter/View/9210/Resolution-2021-71-Agreement-with-Cybertime-Network-Comms>
2. Cybertime Network Communications Subscription Service Agreement  
<https://banningca.gov/DocumentCenter/View/9208/BANNING-Cybertime-SVC-AGREEMENT-100Mbps-Internet-Jul-1-2021-to-Jun-30-2022>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Suzanne Cook, Finance Director  
A'ja Wallace, Budget & Financial Analyst

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-79 Approving Revisions to the Compensation and Classification Plan

---

### **RECOMMENDATION:**

City Council adopt Resolution 2021-79 approving revisions to the Compensation and Classification Plan and authorizing the City Manager or his designee to make necessary budget adjustments, appropriations, and transfers.

### **BACKGROUND:**

It is necessary to amend the City's Classification and Compensation Plan from time to time to maintain a current plan which reflects the budget amendments, organizational structure, and department needs. The adoption of Resolution 2021-79 would replace Resolution 2021-54.

### **JUSTIFICATION:**

Proposed changes to the Classification and Compensation Plan to include:

#### **Public Works**

Add/Reinstate the Management Analyst (Water/Wastewater) (Teamsters-T68) position and un-fund the Associate Engineer (Teamsters-T75) position. The position will handle many regulatory compliance programs related to water/wastewater and recycled water that the department is struggling to maintain due to lack of resources. Essentially, the position will handle several upper-level management functions that do not require an Engineer to perform.

**FISCAL IMPACT:**

**Public Works – Funds 001,600, 660, 680**

Un-fund - Associate Engineer (CIP) (T75 – Salary Range \$76,449.15 – 103,426.33)  
Step 13 with benefits \$182,662.06.

Add/Reinstate - Management Analyst (W/WW) (T68 – Salary Range \$64,313.58 – 87,008.40) Step 13 with benefits \$152,464.58

Fund	Associate Engineer	Management Analyst (W/WW)	Net Fiscal Impact
001 - General	27,399.31	7,623.23	(19,776.08)
600 - Airport	18,266.21		(18,266.21)
660 - Water 680 - Wastewater	68,498.27	91,478.75	22,980.48
	<u>68,498.27</u>	<u>53,362.60</u>	<u>(15,135.67)</u>
	<b><u>182,662.06</u></b>	<b><u>152,464.58</u></b>	<b><u>(30,197.48)</u></b>

Revisions to Class and Compensation Plan:

Add:

Management Analyst (W/WW) 1

Un-fund:

Associate Engineer -1

**ALTERNATIVES:**

1. Approve Resolution 2021-79 authorizing the revisions to the Classification and Compensation Plan and make the necessary budget adjustments, appropriation and transfers.
2. Do not approve the resolution and provide direction to staff.

**ATTACHMENTS:**

1. Resolution 2021-79  
<https://banningca.gov/DocumentCenter/View/9238/Attachment-1--Reso-2021-79-Amended-Class-Plan>

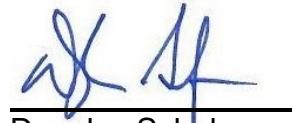
August 24, 2021

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2. Position Costs

<https://banningca.gov/DocumentCenter/View/9239/Attachment-2--Position-Cost>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works/City Engineer

**MEETING DATE:** August 24, 2021

**SUBJECT:** **Resolution No. 2021-77 Authorizing the Acceptance of an Allocation of Funds and Execution of an Airport American Rescue Plan Act (ARPA) Coronavirus Relief Grant Agreement with the Federal Aviation Administration**

---

### **RECOMMENDATION:**

City Council authorize the Director of Public Works or his designee to accept and receive Airport American Rescue Plan Act (ARPA) Coronavirus Relief Grant Airport Rescue Grant funding and to prepare all necessary required Federal Aviation Administration (FAA) Forms and reports related to FAA Grant No. 3-06-0018-019-2021; and further authorize the Director of Public Works or his designee to execute the FAA ARPA Agreement in the amount of \$32,000 as the City's sponsored authorized representative.

### **BACKGROUND:**

The American Rescue Plan Act of 2021 (H.R. 1319, Public Law 117-20), signed into law by the President on March 11, 2021, includes approximately \$8 billion in funds to be awarded as economic assistance to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the coronavirus disease (COVID-19) pandemic.

In an effort to expedite the grant processing, the FAA prepared the ARPA grant application No. SF-424 that the Director of Public Works submitted on July 21, 2021 for operational related funds.

The ARPA Act provides funds to pay for the operation and maintenance of the Airport, thus it can be used to reimburse the City for expenditures related to salaries. If authorization is given by the City Council, the Director of Public Works and City Attorney must execute the FAA Grant Agreement, shown as Attachment No. 2, by August 25, 2021.

August 24, 2021

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**JUSTIFICATION:**

Under the American Rescue Plan Act (ARPA) Coronavirus Relief Airport Rescue Grant, the Office of Airports within the FAA has allocated funds to be used at eligible Airports within the United States and an amount of \$32,000 has been allocated to Banning Municipal Airport due to the COVID-19 pandemic. The Airport Rescue Grant funds are provided in accordance with the ARPA Act, to provide eligible Airport Sponsors with funding for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

**FISCAL IMPACT:**

The grant offer does not require any matching funds and the funds will be used towards the operational costs associated with the Airport, such as salaries.

**ALTERNATIVE:**

The City Council may choose not to adopt Resolution No. 2021-77 at this time, which would result in the City not being eligible to receive 2021 American Rescue Plan Act (ARPA) Coronavirus Relief Airport Rescue Grant funding for the operation of the Banning Municipal Airport.

**ATTACHMENTS:**

1. Resolution 2021-77

<https://banningca.gov/DocumentCenter/View/9212/Attach-1-Resolution-2021-77-Accept-FAA-ARPA-Grant-for-Covid-Response>

2. FAA Grant Agreement No. 3-06-0018-019-2021

<https://banningca.gov/DocumentCenter/View/9213/Attach-2-BNG-WPG-3-06-0018-019-2021-Grant-Agreement---unsigned>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam Rush, Community Development Director

**MEETING DATE:** August 24, 2021

**SUBJECT:** Approving Amendment No. 2, to the Contract Agreement with Nobel Systems, Inc. for Geographic Information Services (GIS) services for Fiscal Year 2020/2021 in the amount of \$10,000 for a total of \$33,000.

---

### **RECOMMENDATION:**

Staff recommends that City Council approve the following:

1. Amendment No. 2 to the Contract Agreement with Nobel Systems, Inc. for an amount "not to exceed" \$33,000 and to extend the term of the agreement through June 30, 2022 for Geographic Information System (GIS) services.
2. Authorizing the City Manager or his designee to make necessary budget adjustments, appropriations and transfers related to the Contract Agreement Amendment No. 2 with Nobel Systems, Inc.
3. Authorizing the City Manager or his designee to execute Amendment No. 2 to the Contract Agreement with Nobel Systems, Inc. for Fiscal Year 2021/2022.

### **BACKGROUND:**

The City's Public Works and Community Development Departments have contracted with Nobel Systems, Inc. to provide the City's GIS systems and management of land use assists including sewer, water, fire hydrants, storm drains, zoning, general plan, and various other land use layers that assist in the daily activities of the Departments.

### **JUSTIFICATION:**

The Community Development Departments is requesting an increase in the existing purchase order to facilitate an additional ArcGIS license that is used to provide greater interoperability with the City's other permitting systems.

**FISCAL IMPACT:**

The Community Development operational budget will fund the requested increase, Account No. 001-2800-441.33-11 (Professional Services).

<b><u>Year</u></b>	<b><u>Estimated Amount</u></b>
2021/2022	\$33,000

**ALTERNATIVE:**

The City Council may choose to reject staff's recommendation and provide alternative direction.

**ATTACHMENT:**

1. Contract Amendment No. 2

[https://banningca.gov/DocumentCenter/View/9260/ATT-1\\_C00641---Nobel-Systems-Amendment-2](https://banningca.gov/DocumentCenter/View/9260/ATT-1_C00641---Nobel-Systems-Amendment-2)

Approved by:



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Douglas Schulze  
City Manager



## **CITY OF BANNING STAFF REPORT**

**TO:** **CITY COUNCIL**

**FROM:** **Douglas Schulze, City Manager**

**PREPARED BY:** **Ralph Wright, Parks and Recreation Director**

**MEETING DATE:** **August 24, 2021**

**SUBJECT:** **Resolution 2021-74 Approving and Authorizing the Application for the Outdoor Equity Grant Program**

---

**RECOMMENDED ACTION:**

Staff recommends that the City Council adopt Resolution 2021-74, approving and authorizing the application for Outdoor Equity Program grant to operate an outdoor education program tentatively titled, "Banning Outdoor Exploration Education Program."

**BACKGROUND:**

The State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of Outdoor Equity Grant Program(OEP). In 2019, the Outdoor Equity Grants Program was enacted when Governor Gavin Newsom signed Assembly Bill 209. On July 1, 2020, the California Legislature authorized the funding for the grant with a total of \$19 million available for the current round of funding. The maximum grant request per application is \$300,000, and the minimum grant request is \$20,000. There is no local match required. The application deadline is October 8, 2021, and funded projects must expend the funds by June 30, 2023.

The City desires to utilize OEP grant funds to create an outdoor education program to include a teen development program and new outdoor programming for all ages in the community. The programming will be based out of Roosevelt Williams Park and will include local programming as well as trips to "Natural Outdoor Destinations," to educate the community on the natural environment or provide access that would otherwise be unavailable to the Community. The exact scope of the program has not been formalized and The Parks and Recreation Department will be holding at least five Community Outreach meetings to receive input from the Community as to the program ideas that are most desired. Based on the results of the community outreach, a refined scope will be completed and submitted along with the OEP application.

**JUSTIFICATION:**

If awarded, the grant funds will provide the City an opportunity to develop a new teen development program and provide outdoor recreation access to much of the community.

**FISCAL IMPACT:**

If awarded, the grant would provide seed funding to develop and begin a teen development program and provide access to outdoor recreation for the community. It is the hope that the program will continue after the expiration of the grant period and minimal funding support will be required to continue the program.

**ALTERNATIVE:**

Do not approve Resolution 2021-74 and provide staff alternate direction.

**ATTACHMENTS:**

1. Resolution 2021-74

<https://banningca.gov/DocumentCenter/View/9198/Resolution-2021-74-Authorizing-OEP-Grant-Submittal>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Holly Stuart, Public Works Program Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Approving an Increase in the amount of \$2,200 to Fiscal Year 2020/2021 Blanket Purchase Order with Ken Grody Redlands Ford for Auto Parts and Repairs

---

### **RECOMMENDATION:**

Approving an increase to Fiscal Year 2020/2021 purchase order with Ken Grody Redlands Ford (Ken Grody) in the amount of \$2,200 for a total blanket purchase order (BPO) amount of \$27,200 and authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the requested increase.

### **BACKGROUND:**

The Public Works Department, Fleet Division, maintains and repairs over 200 city-owned automobiles and pieces of equipment, through in-house and contract services and repairs. As part of this Fleet, 97 of the vehicles are Ford branded; with 58 of these vehicles being under factory base or powertrain warranty. In order to maintain warranties, Fleet staff has determined that Ken Grody is certified to provide services and original equipment manufacturer (OEM) parts that meet warranty requirements. Furthermore, Ken Grody also has the ability to provide complex diagnostics of modern vehicle systems that are unable to be performed in-house.

As a result, in order to support Fleet operations, for Fiscal Year 2020/2021, the City issued a blanket purchase order (BPO) to Ken Grody for fleet parts, repair and maintenance services as needed in an amount of \$25,000. Fiscal Year 2020/2021 expenditures for services with Ken Grody amount to approximately \$24,500 but in order to complete services for this period, an additional \$2,200 was necessary. If approved, the total BPO for FY 2020/2021 will amount to \$27,200.

August 24, 2021

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**JUSTIFICATION:**

Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000. The above parts and services are necessary in order to maintain City-owned and operated vehicles and warranties.

**FISCAL IMPACT:**

The Fleet Division operational budget will fund the requested increase, Account No. 702-3800-480.30-05 (Repair/Maintenance-Vehicles).

**ALTERNATIVE:**

The City Council may choose to reject staff's recommendation and provide alternative direction.

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Public Works Director  
Holly Stuart, Public Works Program Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Approving an Increase in the amount of \$1,140 to Fiscal Year 2020/2021 Blanket Purchase Order with The Mobile Turtle for Cleaning and Disinfection of Banning Connect Transit Vehicles

---

### **RECOMMENDATION:**

Approving an increase to Fiscal Year 2020/2021 purchase order with The Mobile Turtle in the amount of \$1,140 for a total blanket purchase order (BPO) amount of \$26,140 and authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the requested increase.

### **BACKGROUND:**

The City of Banning, under the Public Works Department, owns and operates its own transit division (Banning Connect) including the operation of fixed-route bus services. Additionally, the Dial-A-Ride division offers curb-to-curb transit services to elderly and disabled citizens residing within the City of Banning. Transit currently has eleven (11) passenger vans and buses in operation that serve the public during weekly route schedules during the hours of 4:45 am to 10:15 pm Monday to Friday and 7:15 am to 6:15 pm Saturday and Sunday.

Per the Centers of Disease Control (CDC), traveling on public transportation may increase the risk of spreading Covid-19 through bringing people in close contact with others and exposing them to frequently touched surfaces. As a result of the pandemic, in order to address public safety and health concerns and that of transit drivers, cleaning and disinfection services of transit vans and buses were necessary. In researching purchasing options, it was determined that there was the ability for Banning to "piggyback" on existing contract pricing terms obtained by the City of Beaumont through an existing public contract award. As a result, and to expedite the process, a BPO in the amount of \$25,000 was awarded to The Mobile Turtle for cleaning and disinfection of public transit passenger vans and buses, three times per week.

August 24, 2021

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Due to breakdowns and the need to switch out buses during shifts, additional disinfections were necessary. As a result, staff respectfully requests an increase to the FY 2020/2021 BPO in the amount of \$1,140 for a total fiscal year funding amount of \$26,140.

**JUSTIFICATION:**

Disinfection of public transit vans and buses is required to address public safety and health concerns. Per the Purchasing Policy, City Council consent is required for purchases where supplies or services exceed \$25,000.

**FISCAL IMPACT:**

The Fleet Division operational budget will fund the requested increase, Account No. 702-3800-480.30-05 (Repair/Maintenance-Vehicles).

**ALTERNATIVE:**

The City Council may choose to reject staff's recommendation and provide alternative direction.

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** James Wurtz, Economic Development Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-76 Declaring Pursuant to Government Code Section 54221 that real property owned by the City located at 1909 East Ramsey. (APN: 532-120-011) as surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions

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### **RECOMMENDATION:**

Staff recommends that the City Council approve the attached resolution declaring pursuant to Government Code Section 54221 that real property owned by the City located at 1909 East Ramsey. (APN: 532-120-011) is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.

### **BACKGROUND:**

The City is the owner in fee simple of certain undeveloped real property ("Property") located at 1909 E. Ramsey (APN-532-120-011). Under the Surplus Land Act, Government Code Sections 54220-54233 ("Act"), surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The Act provides that land shall be declared either surplus land or exempt surplus land before the City may take action to dispose of it consistent with the City's policies or procedures.

Under the Act, land is necessary for the City's use if the land is being used or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations. The Act specifies that the City's use does not include commercial or industrial uses, and land that is disposed of for the sole purpose of investment or generation of revenue is not necessary for the City's use.

The Property is not currently being used by the City and City staff has evaluated the property for its potential to be used for City work or operations, including other municipal purposes. Because of its location in the main commercial corridor (Ramsey Street) and its zoning as Business Park staff has determined that the property is not suitable for the City's use. Staff recommends that the City Council declare that the Property is surplus land and not necessary for the City's use.

The Act requires that before the City Council disposes of the Property or engages in negotiations to dispose of the Property, the City must send a written notice of availability ("NOA") of the Property, which includes the location and a description of the Property, to certain designated entities. Negotiations do not include commissioning an appraisal, due diligence, discussions with brokers or agents who are not representing a potential buyer, studies to determine value or the best use of the land, the issuance of a request for qualifications, development of marketing materials, or discussions exclusively among local agency employees and officials.

The City must send the NOA by email or U.S. mail to the designated entities set forth below:

- a) Housing Sponsors that have notified HCD of their interest in receiving notices of availability (for the purpose of developing low- and moderate-income housing).
- b) Local public entities within whose jurisdiction the Property is located (for the purpose of developing low- and moderate-income housing). "Local public entities" include cities, counties, cities and counties, the governing bodies of Indian reservations or rancherias, tribally designated housing entities, housing authorities, and any State agency, public district or other political subdivision of the State, and any instrumentality thereof, authorized to engage in or assist in the development of or operation of housing for low- or moderate-income households. "Local public entities" also include joint power authorities and the Department of Housing and Community Development ("HCD").
- c) The park or recreation department of any city or county within which the Property is located; any regional park authority having jurisdiction within the area in which the Property is located; and the State Resources Agency, or any agency that succeeds to its powers (for open space purposes).
- d) Any school district in whose jurisdiction the Property is located (for land suitable for school facilities construction or use by a school district for open space purposes).
- e) If the Property land is located in an infill opportunity zone or an area covered by a transit village plan adopted pursuant to the Transit Village Development Planning Act of 1994, any county, city, city and county, successor agency to a former redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the Property is located.
- f) If a designated entity is interested in purchasing or leasing the Property for an authorized purpose, it must notify the City in writing within 60 days after the City sends the NOA by email or certified mail.

If the City does not receive any notices of interest within the 60-day period or the notices of interest do not comply with the Act, the City may dispose of the Property without further regard to the requirements of the Act, although, as discussed below, HCD has been given oversight over the disposition of surplus land.

If the City receives a notice of interest from one or more designated entities within the 60-day period that comply with the Act, the City must enter into good faith negotiations with the designated entity or entities in an attempt to agree to a mutually satisfactory sales price and terms or lease terms. If the City does not agree on price and terms with any of the entities after a negotiation period of at least 90 days, the City may dispose of the surplus land without further regard to the Act, except as described below regarding oversight by HCD.

In negotiating with designated entities, the City shall not require terms as a condition of the sale or lease of the Property that disallow residential use, except if required to mitigate impacts to public health and safety or city operations; reduce the allowable number of residential units or the maximum lot coverage below what may be allowed by zoning or the General Plan; or require any design standards or architectural requirements that would have a substantial adverse effect on the viability or affordability of a low and moderate income housing development, other than the minimum standards required by General Plan, zoning and subdivision standards and criteria. Residential uses shall be deemed an acceptable use of surplus land for the purposes of good faith negotiations. Notwithstanding the foregoing, the City may impose a limit on residential use or density if necessary to avoid a specific, adverse impact (supported by written findings) upon the public health or safety or the operation or facilities of a local agency and there is no feasible method to mitigate the impact.

The Act does not restrict the City's authority or discretion to approve land use, zoning or entitlement decisions in connection with the Property or limit the power of the City to sell or the Property for fair market value or less than fair market value.

A designated entity proposing to use the Property to develop low- and moderate-income housing must agree to make available not less than 25% of the total number of units available at an affordable housing cost or affordable rent to low income households pursuant to a covenant recorded against the land. Rental units must be restricted for at least 55 years and owner-occupied housing must be subject to an equity sharing agreement.

If the City receives a notice of interest from more than one designated entity, the City must give first priority to the entity or entities that agree to use the Property for low- and moderate-income housing that meets the requirements described above. If more than one entity agrees to meet these requirements, the City must give priority to the entity that proposes to provide the greatest number of units that meet such requirements. If more than one entity proposes the same number of units that meet such requirements, the City must give priority to the entity that proposes the deepest average level of affordability for

the affordable units. The City may negotiate concurrently with all designated entities interested in developing affordable housing.

Prior to agreeing to terms for the disposition of the Property the City must provide to HCD a description of the NOA and the negotiations conducted with any designated entities. If HCD believes that the City has violated the Act, the City will be given the opportunity to correct the issues identified by HCD or provide written findings to HCD explaining why the proposed disposition complies with the Act. If HCD ultimately determines that the proposed disposition of the Property would violate the Act, HCD can impose a penalty equal to 30% of the final sales price of the Property and notify the Attorney General of the violation. While HCD is not required to implement these provisions until January 1, 2021, the Act does not postpone the obligation of cities to provide the required notification to HCD.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). City staff has determined that the designation of this property as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review pursuant to State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the property is sold to a purchaser and that purchaser proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

### **FISCAL IMPACT**

The sale of this property will generate additional revenue for the City that the City can use to acquire other properties, including distressed properties, so as to provide for greater economic opportunities for new development in the City. In addition, the sale of this property will allow the much-needed affordable housing for the Low-Moderate Income and Veteran citizens of our community and much needed retail opportunities in our Downtown Commercial District.

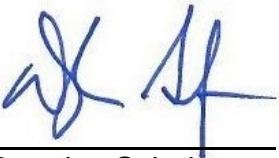
### **ATTACHMENTS:**

1. Resolution No. 2021-76  
<https://banningca.gov/DocumentCenter/View/9195/Resolution-2021-76-AB1486-Surplus-on-1909-E-Ramsey>
2. Aerial Site Map of 1909 E Ramsey Street  
<https://banningca.gov/DocumentCenter/View/9196/1909-E-Ramsey-Aerial>

August 24, 2021

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Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** BANNING UTILITY AUTHORITY

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Art Vela, Director of Public Works/City Engineer  
Perry Gerdes, Water / Wastewater Superintendent

**MEETING DATE:** August 24, 2021

**SUBJECT:** Adopt Resolution 2021-08 UA, Approving the Third Amendment to the Agreement with G & G Environmental Compliance of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services

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### **RECOMMENDATION:**

Staff recommends that the Banning Utility Authority adopt Resolution 2021-08 UA:

1. Approving an Amendment to the Agreement with G & G Environmental Compliance, of Riverside, California for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services in the amount of \$70,000 for FY 21/22 and FY 22/23.
2. Authorizing the City Manager or designee to make necessary budget adjustments, appropriations and transfers related to the Amendment to the Agreement with G & G Environmental Compliance for Industrial Waste Program Management, FOG and NPDES Inspections and Environmental Compliance Services.
3. Authorizing the City Manager to execute the Amendment to the Agreement, including term extensions not to exceed a total of five years, with G & G Environmental Compliance.

### **BACKGROUND:**

The City of Banning owns and operates its own sewer collection system. In order to reduce the occurrence of sanitary sewer overflows (SSOs), regular inspections are conducted at all food service facilities under the Fats, Oils, and Grease (FOG) Control Program. Large commercial, industrial, and institutional users are also inspected regularly to verify compliance with discharge limits and pretreatment requirements. These inspections require specialized training and knowledge and are best outsourced

to consultants that provide these services on an as-needed basis for smaller municipalities such as the City of Banning.

With strict discharge limits being enforced at the waste water treatment plant, it is important to monitor the point sources of various constituents such as Nitrogen and Total Dissolved Solids (TDS) so they can be removed to the extent possible before entering the sewer collection system. Assistance in developing new monitoring requirements and guidelines in response to ever-evolving regulations will also be provided by the consultant.

Additionally, the City is co-permittee on NPDES Permit No. R7-2013-0011 in the Whitewater River Region and the permit requirements are explained in the Whitewater River Region Stormwater Management Plan (SWMP). The County Department Environmental Health issues Hazardous Material Permits to facilities that are required to be inspected by the City either annually or every three years. Additionally, retail food service facilities with Food Establishment Permits must be inspected once per Permit term.

#### Vendor Selection Process

The City of Banning issued a Request for Proposals (RFP) on April 27, 2018 through its Planet Bids website. Three firms submitted proposals for consideration. A three-member panel evaluated the proposals on qualifications (30%), experience (30%), understanding & approach (30%), and responsiveness to the RFP (10%).

The evaluation scores are summarized as follows:

<u>Company</u>	<u>Score</u>
G&G Environmental Compliance	395
CASC Engineering and Consulting, Inc.	336.67
Lynn Merrill and Associates, Inc.	321.67

The original contract, approved in 2018, with G & G Environmental Compliance ("G & G") was for \$25,000. Amendment 1, approved in 2019, added \$25,000 for a total contract amount of \$50,000. Amendment 2, approved in 2020 added \$30,000 for a total contract amount of \$80,000 and Amendment 3 will add an additional \$70,000 to cover the current fiscal year and next fiscal year (i.e. 2021/2022 and 2022/2023) bringing the total contract amount to \$150,000.

FY 2022/2023 will mark the fifth and final year of the contract with G & G. Staff will issue a new RFP for future years following FY 2022/2023.

#### **JUSTIFICATION:**

The amendment is required to continue to use G & G's services to complete inspections that ensure compliance with the National Pollution Discharge Elimination System (NPDES) permit and the Waste Discharge Requirements (WDR) at the wastewater treatment plant.

**FISCAL IMPACT:**

The Water and Waste Water funds will each pay for a portion of the costs, based on anticipated work needed for each Division. The cost breakdown:

Fund	Account Number	Cost Allocation
Water	660-6300-471.23-37	\$15,000
Wastewater	680-8000-454.23-37	\$20,000
<b>Total Amount of Third Amendment</b>		<b>\$35,000</b>

**ALTERNATIVES:**

Reject Resolution 2021-08 UA and provide further direction to staff.

**ATTACHMENTS:**

1. Resolution 2021-08 UA  
<https://banningca.gov/DocumentCenter/View/9235/Att-1-Resolution-2021-08-UA-GG>
2. Request for Proposals (RFP)  
<https://banningca.gov/DocumentCenter/View/9224/Att-2---RFP---Industrial-Waste-Program-Management>
3. Proposal from G & G Environmental Compliance  
<https://banningca.gov/DocumentCenter/View/9225/Att-3----G-G-Proposal>
4. Original Agreement  
<https://banningca.gov/DocumentCenter/View/9227/Att-4-Original-Agreement-with-G-G>
5. Amendment 1  
<https://banningca.gov/DocumentCenter/View/9222/Att-5-Amendment-1>
6. Amendment 2  
<https://banningca.gov/DocumentCenter/View/9223/Att-6-AMENDMENT-NO-2>
7. Amendment 3  
<https://banningca.gov/DocumentCenter/View/9226/Att-7-C00406-G-AND-G-ENVIRONMENTAL-AMENDMENT-3>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Adam B. Rush, Community Development Director

**MEETING DATE:** August 24, 2021

**SUBJECT:** Ordinance 1577, an Ordinance of the City of Banning amending the Banning Municipal Code by (1) amending Chapters 3.15 and 3.17 of Title 3 pertaining to microbusinesses, (2) amending Chapters 5.33 and 5.35 of Title 5 establishing regulatory requirement for microbusinesses, (3) amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 of Title 17 (Zoning Text Amendment (ZTA) 21-97501) establishing zoning standards for cannabis microbusinesses, (4) making additional conforming amendments to regulations pertaining to commercial cannabis businesses, and (5) making a determination that the Ordinance is exempt from CEQA review pursuant to CEQA Guidelines sections 15060 (c) (3) and 15061 (b) (1)

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### **RECOMMENDATION:**

That the City Council take the following actions:

1. Make a determination, pursuant to Sections 15060(c)(3) and 15061(b)(1) of the California Environmental Quality Act (CEQA) Guidelines that the project is exempt from CEQA pursuant to Business and Professions Code section 26055(h).
2. Introduce for first reading City Council Ordinance 1577, accepting Planning Commission recommendation to approve Zoning Text Amendment 21-97501, Amending Title 17, amending Chapters 3.15, 3.17, 5.33, 5.35, 17.04, 17.08, 17.12, 17.16, 17.20, 17.53, and 17.54 making additional amendments to regulations pertaining to commercial cannabis businesses of the Banning Municipal Code (BMC).

### **PROJECT / APPLICANT INFORMATION:**

Project Location Industrial and Business Park Zoning Districts

Project Applicant: City of Banning  
99 E. Ramsey Street  
Banning, CA 92220

**BACKGROUND:**

On July 10, 2018, the City Council adopted Ordinance 1523 which established provisions for a conditional use permit process for cannabis cultivation, manufacturing level 1, and testing laboratory facilities within the Industrial zoning district. In addition to this ordinance, the City Council also adopted Ordinances 1527 and 1528, placing Measures N and O on the November 2018 General Election Ballot. Measure N established a cannabis cultivation tax at \$15 per square foot of canopy space, but contained provisions allowing the City Council, without the vote of the people, to adjust this tax by either reducing the rate, or increasing the rate up to \$25 per square foot of canopy space. Measure N also established a tax on commercial cannabis cultivation, manufacturing, and testing laboratories at 10% of the gross receipts of the business. Measure O established a tax on cannabis retailers at 10% of gross receipts of the business. Both measures were approved by the voters.

The City Council also adopted two ordinances that authorized cannabis retailers to develop within the City subject to conditional use permit (CUP) approvals and regulatory permit process.

On June 23, 2020, the City Council approved Ordinance 1564 to reduce the tax on cannabis cultivation facilities.

July 14, 2020, the City Council approved Ordinance 1565 allowing cannabis distribution facilities in the Industrial Zoning District contingent on approval of Measure L, a measure to impose a 10% tax on cannabis distribution facilities.

November 3, 2020, Measure L passed approving the 10% tax on cannabis distribution facilities and Ordinance 1565 became effective allowing cannabis distribution facilities in the Industrial Zoning District.

November 10, 2020, the City Manager requested direction from the City Council regarding increasing the number of cannabis retailers allowed in the City and the possibility of allowing cannabis microbusinesses to operate in the City. The Council directed Staff to bring back information regarding cannabis microbusinesses, and to consider increasing the number of cannabis retailers. No final action on either of those changes was approved at that meeting.

On March 23, 2021, the City Council held a Workshop regarding Cannabis microbusinesses. At that Special Meeting of the City Council and Placeworks, Inc., a community planning and design organization, presented a presentation regarding cannabis microbusinesses. The City Council hosted this discussion item to solicit public testimony and provide direction to City staff regarding several provisions of the proposed amendment to the Cannabis Ordinance. No decision was made; however, staff did receive direction to proceed on a path to update the City's Cannabis Program. Upon conclusion of this discussion item, the City Council directed City staff to process an

ordinance amendment that incorporates cannabis microbusinesses into the cannabis program.

At the meeting of June 2, 2021, the Planning Commission considered Zoning Text Amendment 21-97501 and discussed how allowing cannabis microbusinesses to operate in the city would impact existing retailers and the City's current cap of only permitting one retailer for every 10,000 residents. The Planning Commission asked Staff specific questions and the meeting was continued to July 14, 2021, to allow Staff time to research the questions posed by the Commission.

#### **PLANNING COMMISSION RECOMMENDATION:**

At the meeting of July 14, 2021, the Planning Commission approved Resolution 2021-09 recommending the City Council approve Zoning Text Amendment 21-97501 with the following recommendations regarding the proposed microbusiness ordinance:

1. That the retail component be a non-store front delivery service only.
2. That there be no 200-foot separation from residential uses or zones.
3. That there be a cap of one microbusiness for every 8,000 residents.
  - a. If a cap is imposed, the City Council will need to determine the method of selecting microbusiness applicants.
4. That there be an accelerated time schedule from approval to operation.

#### **ANALYSIS:**

It has been over two years since the City's Commercial and Retail Cannabis program came into effect. During this period, three retail cannabis dispensaries and four indoor commercial cannabis cultivation facilities have been approved.

After determining that the Cannabis Program was not yielding the results anticipated when established back in late 2018, the Council made several changes to the program:

- The Council adopted an ordinance allowing cannabis distributors to operate in the city and placed a measure on the ballot to tax cannabis distributors;
- The Council lowered the tax rates for cannabis cultivators from \$15 per square feet of canopy space to \$5 per square feet of canopy space for the first year the business is in operation and then \$10 per square feet of canopy space beginning in year two and every year thereafter;
- The Council adopted an ordinance requiring that cannabis retailers submit a completed conditional use permit within ninety days of receiving a cannabis regulatory permit.

There has been a growing interest by members of the public and Council to increase the options for cannabis businesses by establishing regulations for the operation of microbusinesses. A cannabis microbusiness may operate by doing business in three of

the current four types of cannabis operations allowed by the City. The definition of a cannabis microbusiness is as follows:

“Cannabis microbusiness” means a commercial cannabis business that operates as a cannabis retailer, a manufacturing facility, a cultivation facility with canopy space of less than 10,000 square feet, and/or distribution facility on the same premises. To qualify as a cannabis microbusiness, the cannabis business must engage in at least three out of the four above referenced uses.

**REQUEST:**

Proposed amendments to the Banning Municipal Code

Title 3 (Revenue and Finance), Chapter 3.15 (Cannabis Retailer Tax), Section 3.15.020 (Definitions.), to add definitions for “Non-storefront retailer” and “Non-storefront Cannabis Microbusiness.”

Title 3 (Revenue and Finance), Chapter 3.15 (Cannabis Retailer Tax), Section 3.15.030 (Tax imposed on cannabis retailers.), to add a new subsection “D” to impose a tax on cannabis microbusinesses based on the tax rate of each component of the business (retailer, cultivation, distribution, and/or manufacturing).

Title 3 (Revenue and Finance), Chapter 3.17 (Cannabis Industrial Tax), Section 3.17.020 (Definitions.), to add a definition for “Non-storefront cannabis microbusiness.”

Title 3 (Revenue and Finance), Chapter 3.17 (Cannabis Industrial Tax), Section 3.17.030 (Tax imposed on commercial cannabis cultivation, manufacturing, distribution, and testing laboratory facilities.), relabel existing Subsection “D” as Subsection “E” and add a new Subsection “D” to impose a tax on cannabis microbusinesses based on the tax rate of each component of the business (retailer, cultivation, distribution, and/or manufacturing).

Title 5 (Business Licenses and Regulations), Chapter 5.33 (Cannabis Retailer Regulatory Permits), Section 5.33.010 (Definitions.), to add definitions for “Non-storefront cannabis retailer,” “Non-storefront cannabis microbusiness.”

Title 5 (Business Licenses and Regulations), Chapter 5.33 (Cannabis Retailer Regulatory Permits), Section 5.33.020 (Cannabis regulatory permit required.), to add a new Subsection “E” to provide that a non-storefront cannabis microbusiness is subject to the requirements of Chapter 5.35.

Title 5 (Business Licenses and Regulations), Chapter 5.35 (Cannabis Regulatory Permits), 5.35.010 (Definitions.), to amend the definition of “Cannabis business” and add definitions of “Non-storefront cannabis microbusiness” and “Non-storefront retailer.”

Title 5 (Business Licenses and Regulations), Chapter 5.35 (Cannabis Regulatory Permits), 5.35.050 (Additional application requirements.), to add a new Subsection "E" to identify the application requirements for cannabis microbusinesses.

Title 8 (Health and Safety), Chapter 8.48 (Nuisances), Section 8.48.330 (Manufacture or sales of drugs.), adding, "Any real or personal property utilized in the manufacture, sales, or storage of any drug which is illegal under any state or federal law is declared a nuisance. This section shall not apply to the manufacture, sale or storage of marijuana or cannabis permitted under Chapters 5.33, 5.34, and 5.35 of this Code."

Title 17 (Zoning), Division I (General Provisions), Chapter 17.04 (Basic Provisions), 17.04.070 (Definitions.), to add definitions for "Cannabis Distribution Facility," "Non-storefront retailer," "Non-storefront cannabis microbusiness," and "Storefront cannabis microbusiness" and to amend the definition of "Other Cannabis Uses."

Title 17 (Zoning), Division II (Land Use Districts), Chapter 17.08 (Residential Districts), Article I (General Provisions), Section 17.08.020 (Permitted, conditional and prohibited uses.) to add "Cannabis Distribution," "Non-Storefront Cannabis Microbusiness," and "Storefront Cannabis Microbusiness" as prohibited uses.

Title 17 (Zoning), Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.020 (Permitted, Conditional and Prohibited Commercial and Industrial Uses), to amend Table 17.12.020 to add "Non-Storefront Cannabis Microbusiness" as a conditionally permitted use and to add "Storefront Microbusiness" as a prohibited use.

Title 17 (Zoning), Chapter 17.12 (Commercial and Industrial Districts), Section 17.12.050 (Use Specific Development Standards), to add new lines for "Cannabis Distribution Facility" and "Non-Storefront Cannabis Microbusiness" to the Table and adding Subsections Z and AA to provide that cannabis distribution facilities and non-storefront cannabis microbusinesses require the approval of a cannabis conditional use permit by the City Council after recommendation by the Planning Commission.

Title 17 (Zoning), Chapter 17.16 (Public Facilities Districts), Section 17.16.020 (Permitted, Conditional and Prohibited Public Facilities Uses), to add lines for "Cannabis Distribution Facility," "Non-Storefront Cannabis Microbusiness," and "Storefront Cannabis Microbusiness" as prohibited uses.

Title 17 (Zoning), Chapter 17.20 (Open Space Districts), Section 17.20.020 (Permitted, Conditional and Prohibited Open Space Uses) to add lines for "Cannabis Distribution Facility," "Non-Storefront Cannabis Microbusiness," and "Storefront Cannabis Microbusiness" as prohibited uses.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.010 (Definitions.), to amend the definition of "Cannabis Business," and add a definition for "Non-Storefront Cannabis Microbusiness."

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.100 (Security.), to amend subsection "D" to require that a cannabis distributor and non-storefront cannabis microbusiness hire 24-hour security.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), Section 17.53.120 (Signage.), to add a new Subsection "F" to address signage requirements for a non-storefront cannabis microbusiness.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits), relabeling and relocating Sections 17.53.200 through 17.53.210 as Sections 17.53.210 through 17.53.220.

Title 17 (Zoning), Chapter 17.53 (Cannabis Conditional Use Permits) adding a new Section 17.53.200 (Non-Storefront Cannabis Microbusinesses.) to establish operational regulations for cannabis microbusinesses.

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.010 (Definitions.), to add definitions for "Non-storefront retailer" and Non-storefront cannabis microbusiness."

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.020 (Cannabis retailer conditional use permit required), to add a new Subsection "C" to provide that a non-storefront cannabis microbusiness with a retail component is subject to Chapter 17.53.

Title 17 (Zoning), Chapter 17.54 (Cannabis Retailer Conditional Use Permits), Section 17.54.200 (Expiration), to correct the days allowed to submit for building permits from 30 to 45 days.

### **IMPOSITION OF CAP ON CANNABIS MICROBUSINESSES**

If the Council is inclined to impose a cap on cannabis microbusinesses, the Council will need to establish a process for selecting the microbusinesses that can operate in the City. This process will need to be established by a separate ordinance or resolution. If the City Council accepts the Planning Commission's recommendation that there be one (1) microbusiness for every 8,000 residents in the City, then the current number of microbusinesses would be capped at four (4). In order to consider which entities would be permitted to operate in the City, at this stage, staff has identified the following options:

1. The City may establish a lottery system by which four microbusiness applicants who have gone through a prequalification process are randomly selected.
2. The City may establish a date and time that it will begin to accept applications, and applicants will be selected on a first come, first served basis.
3. The City may issue a request for qualifications and a selection committee can hand select the cannabis microbusinesses through a ranking process.

Staff is requesting that the Council provide direction if there are any of the above options that it definitely does not want staff to explore. The Council is not being asked to select the process at this meeting (assuming it does impose a cap on cannabis microbusinesses). Instead, the staff will bring this item back at a future meeting with more information about any of the options that the Council does want to consider for selecting the cannabis microbusinesses that can operate in the City so as to allow the Council to fully understand the pros and cons of each option.

### **ENVIRONMENTAL DETERMINATION:**

#### **California Environmental Quality Act (CEQA)**

Planning Division staff and the Planning Commission have determined that the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to the State CEQA Guidelines Section 15060(c)(3),) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of this Ordinance does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to this Ordinance will require a discretionary permit and CEQA review and will be analyzed at the appropriate time in accordance with CEQA.

Moreover, even if the adoption of this Ordinance is a project, it is exempt from review under the CEQA and the State CEQA Guidelines Section 15061(b)(1)), which exempts a project from CEQA if the project is exempt by statute. Business and Professions Code Section 26055(h) provides that Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. Pursuant to that exemption, Title 17 of the Banning Municipal Code provide that conditional use permit applications for non-storefront cannabis microbusinesses will be required to include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Additionally, conditional use permits for non-storefront cannabis microbusinesses are subject to discretionary review by both the Planning Commission and the City Council.

#### **Multiple Species Habitat Conservation Plan (MSHCP).**

This proposed Ordinance does not relate to any one physical project and is not subject to the MSHCP. Further, projects that may be subject to this Ordinance will trigger individual project analysis and documentation related to the requirements of the MSHCP, including mitigation through payment of the MSHCP Mitigation Fee.

### **PUBLIC COMMUNICATION:**

Proposed Municipal Code Amendment was advertised in the Record Gazette newspaper on August 13, 2021. As of the date of this report, staff has not received any written comments on the project.

**ATTACHMENTS:**

1. Ordinance 1577  
[https://banningca.gov/DocumentCenter/View/9215/Attachment-1\\_Banning-Microbusiness-Ordinance\\_Final\\_81121](https://banningca.gov/DocumentCenter/View/9215/Attachment-1_Banning-Microbusiness-Ordinance_Final_81121)
2. Planning Commission Resolution 2021-09  
[https://banningca.gov/DocumentCenter/View/9216/Attachment-2\\_Resolution-2021-09](https://banningca.gov/DocumentCenter/View/9216/Attachment-2_Resolution-2021-09)
3. Zoning Map  
[https://banningca.gov/DocumentCenter/View/9214/Attachment-3\\_Zoning-Map\\_md](https://banningca.gov/DocumentCenter/View/9214/Attachment-3_Zoning-Map_md)
4. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/9258/Attachment-4---PHN-ZTA-21-97501-Proof-of-Publication>
5. Notice of Exemption  
[https://banningca.gov/DocumentCenter/View/9217/Attachment-5\\_NOE\\_md](https://banningca.gov/DocumentCenter/View/9217/Attachment-5_NOE_md)

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Matthew Hamner, Chief of Police  
Laurie Sampson, Executive Assistant

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-73 Accepting the 2021 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Award and Authorization to Execute an Interlocal Agreement with Riverside County for the Distribution of Grant Funds

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### **RECOMMENDATION:**

Staff recommend City Council conduct a public hearing on the proposed use of these grant funds and approve Resolution 2021-73, accepting grant funds in the amount of \$10,570 and approving execution of the Interlocal Agreement with Riverside County concerning distribution of the 2021 JAG award funds.

### **BACKGROUND:**

On July 14, 2021, the Banning Police Department received notification from the U.S. Bureau of Justice Assistance that it was eligible to apply for the 2021 Local Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$10,570. Per U.S. Department of Justice regulations, a public hearing must be conducted to allow citizens to make comments on the intended use of the noted grant funds before funding can be approved.

For 2021, the U.S. Bureau of Justice Assistance is requiring all eligible agencies in Riverside County to submit a consolidated application with one Fiscal Agent (FA) as the grant administrator. The Riverside County Sheriff's Department has agreed to take on the role as the FA for 2021. As in years past, the FA agency will receive 10% of each agency's grant award (\$1,057 for Banning) to help offset the costs associated with administering the grant for the agencies involved.

Additionally, the U.S. Bureau of Justice Assistance is requiring \$286 of the FY21 Local Edward Byrne Memorial JAG be utilized to purchase equipment that will support the National Incident Based Reporting System (NIBRS).

**JUSTIFICATION:**

The Police Department proposes to use the grant funds to purchase new Axon Tasers as replacements for older Tasers that are approaching their end of shelf life (of five years). These grant dollars will facilitate the purchase of seven new Axon Tasers with rechargeable batteries and extended 4-year warranties for each new device. Officers use the Axon Taser as a less-than-lethal control device when faced with violent subjects who are actively resisting or pose an imminent threat of violence against the police officers and/or citizens.

As required, the department will utilize \$258 of the grant to purchase technology- based equipment that will support the department's ability to report incident-based information through the NIBRS system.

**FISCAL IMPACT:**

Accepted grant funds will be appropriated to the Police Department's Ordnance Account to pay for the Axon Tasers, rechargeable batteries, and extended warranties. Accepted funds for the NIBRS related technology-based equipment will be appropriated to the appropriate account. Upon completion of the purchases, the Police Department will submit a request for reimbursement to the Riverside County Sheriff's Department.

**ALTERNATIVES:**

1. Adopt Resolution 2021-73.
2. Reject grant award and provide alternate direction to staff.

**ATTACHMENTS:**

1. Resolution 2021-73  
<https://banningca.gov/DocumentCenter/View/9194/ATT-1-Resolution-2021-73>
2. Interlocal Agreement with Riverside County for Distribution of 2021 Justice Assistance Grant Award  
<https://banningca.gov/DocumentCenter/View/9193/ATT-2-JAG-21-Interlocal-Agreement-CC-review>
3. Public Hearing Notice  
<https://banningca.gov/DocumentCenter/View/9237/ATT-3-Public-Notice>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Consider Approval of Employment Agreement for Suzanne Cook, Finance Director

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### **RECOMMENDATION:**

Staff recommends Council authorize the City Manager to execute the Employment Agreement with Suzanne Cook for the position of Finance Director.

### **BACKGROUND:**

In June 2021, the Administrative Services Director position was eliminated and Administrative Services Department was re-organized to become the Finance Department. The Deputy Finance Director position was also eliminated and the position of Finance Director was created. Suzanne Cook was promoted from Deputy Finance Director to Finance Director in July.

The attached Employment Agreement is the standard agreement that is used for Department Directors. The salary is based on the currently approved compensation plan. All benefits provided in the Employment Agreement are consistent with the benefits offered to Department Directors.

### **JUSTIFICATION:**

The Finance Director position is established by Banning Municipal Code and provides overall supervision and direction for the Finance Department.

### **FISCAL IMPACT:**

The fully loaded cost of the two positions that have been eliminated is approximately \$400,000. The new Finance Director position fully loaded cost is approximately \$225,000. The fiscal impact is a net savings of approximately \$175,000 annually.

### **OPTIONS:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

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**ATTACHMENTS:**

1. Employment Agreement between City of Banning and Suzanne Cook  
<https://banningca.gov/DocumentCenter/View/9219/Suzanne-Cook-Employment-Agreement---v2-DRAFT-07022021>
2. Finance Director Job Description  
<https://banningca.gov/DocumentCenter/View/9218/Finance-Director-Job-Description>

Approved by:



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Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Consider Rescinding Resolution No. 2017-44 that Declared it Shall be a Goal of the City of Banning to Close the Banning Municipal Airport as soon as Legally Permitted

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### **RECOMMENDED ACTION:**

No action is recommended at this time.

### **BACKGROUND:**

The Banning Municipal Airport was originally built in the 1930's, but in 1943 the U.S. Army widened and extended the runway, which was intended to be used for the Patton Army headquarters on South San Gorgonio. Currently, the Banning Municipal Airport consists of 153.83 acres south of I-10 and east of Hathaway Street. The runway is a 4,955 foot long asphalt paved surface. Structures include 54 City-owned hangars, 7 privately-owned hangars, and a small office/terminal building.

In 2016, HdL Companies completed an Airport Feasibility Study to analyze and evaluate the Banning Municipal Airport, including its effectiveness as a land use, along with exploring the possibility of closing down the airport operation and looking at the 'highest and best' land use for the future, as well as suggested next steps for the City of Banning to consider. The study included a comparison of Banning Municipal Airports with other airports in the region.

The data from the fourteen other airports suggest that the Banning Municipal Airport lacks the needed infrastructure, amenities or superior location to successfully compete with other airports for more business. The hangars available at Banning Municipal Airport are lacking as compared to other nearby airports.

As of 2015, only 38 or 62% of the total of 61 hangars at Banning are used. The number of aircraft based at Banning, in conjunction with a steady decline in the total annual flight operations seems to present a less than optimistic future for the Banning Municipal Airport. From 2010 to 2015, annual flight operations decreased by 71.7%.

Staff Report: Consider Rescinding Resolution 2017-44 to Pursue Airport Closure

August 24, 2021

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Airport	Ownership	Runways	Planes Based at Airport	Number of Annual Operations
<b>Banning Municipal Airport</b>	City of Banning	One asphalt runway of 4,955'	38	1,324 flight operations in 2015
<b>Bermuda Dunes Airport</b>	Privately Owned	One asphalt runway of 5,002'	101	10,950 flight operations in 2015
<b>Chino Airport</b>	San Bernardino County	Three asphalt runways of 7,000', 4,919' and 4,858'	479 (FY 2013/14)	164,615 flight operations in 2014
<b>Corona Municipal Airport</b>	City of Corona	One asphalt runway of 3,200'	251	50,000 flight operations in 2015
<b>French Valley Airport</b>	Riverside County	One asphalt runway of 6,000'	195	98,185 flight operations in 2014/15
<b>Hemet-Ryan Airport</b>	Riverside County	One asphalt runway of 4,315'	69	75,555 flight operations in 2015
<b>March Air Reserve Base</b>	US Air Reserve	One concrete runway of 13,300' and one asphalt runway of 3,059'	0	Open to the public with Air Museum and looking to expand services with new private terminal operations
<b>Ontario International Airport</b>	City of Ontario	Two concrete runways of 12,197' and 3,718'	37	83,585 flight operations in 2015
<b>Palm Springs</b>	City of Palm Springs	Two asphalt runways of 10,000' and 3,048'	96	54,480 flight operations in 2015
<b>Riverside Municipal Airport</b>	City of Riverside	Two asphalt runways of 5,401' and 2,850'	159	109,865 flight operations in 2015
<b>Riverside-Flabob Airport</b>	Privately Owned	One asphalt runway of 3,190'	86	7,665 flight operations in 2015
<b>Jacqueline Cochran Airport</b>	Riverside County	Two asphalt runways of 8,500' and 4,995'	47	76,285 flight operations in 2015
<b>Perris Valley Airport</b>	Privately Owned	One asphalt runway of 5,100 feet	56	27,375 flight operations in 2015
<b>San Bernardino Airport</b>	San Bernardino International Airport Authority	One concrete runway 10,000'	38	30,660 flight operations in 2014
<b>Upland-Cable Airport</b>	Privately Owned	One asphalt runway of 3,853'	298	91,980 flight operations in 2014

The following table demonstrates the trend of significantly decreasing annual flight operations from 2010 to 2015. The study found that given the significant decline in annual flight operations and low number of aircraft based at the Banning Municipal Airport as compared to other airports, the ability to compete with other airports for business in the future seemed unattainable. Investing more resources into the airport and providing upgrades would not be cost-effective or provide the city with an adequate return on investment.

ANNUAL FLIGHTS – BANNING MUNICIPAL AIRPORT			
Flights	Year	Previous Year % Change	Total % Change 2010 - 2015
4,674	2010		
1,875	2013	59.99%	
1,414	2014	24.6%	
1,324	2015	6.4%	71.7%

The study concluded, “the highest and best use for the airport property in Banning—now or in the future doesn’t appear to be operating it as a municipal airport. Clearly the data shows that general aviation use has been declining in both California and the U.S. for the past 20 years. The use and revenue stream for the Banning Municipal Airport reflect this trend. Additionally, based on research, the Banning Municipal Airport doesn’t compare well with other nearby airports in terms of infrastructure and use.”

As of July 2021, there were a total of 16 based aircraft at Banning Municipal Airport, which is a decline of 22 aircraft since the 2015 Study. However, flight operations increased to 5,495 primarily due to the Skydive West Coast business that is based at the airport.

Following City Council discussion of the HdL Airport Feasibility Study, the City Council adopted Resolution No. 2017-44, declaring that it shall be a goal of the City of Banning to close the Banning Municipal Airport as soon as legally possible. City staff met with FAA staff to discuss closure and with individuals involved with the closure of the Rialto Airport. Based on those discussions, City staff worked with federal lobbyists to draft legislation that is ready to be introduced. However, the legislation is on hold pending FAA review of the Grandave Studios at Banning Project.

#### **JUSTIFICATION:**

Resolution No. 2017-44 and the legislation drafted to close Banning Municipal Airport is an important strategic issue related to the FAA review of the Grandave Studios at Banning Project. While efforts to close the airport have been suspended, it may be necessary to pursue closure if the FAA does not approve the Grandave Studios project.

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**OPTIONS:**

1. Direct staff to begin work to rescind Resolution 2017-44.
2. Take no action at this time.

**ATTACHMENT:**

1. Resolution 2017-44

<https://banningca.gov/DocumentCenter/View/9236/Resolution-No-2017-44>

Approved by:



Douglas Schulze  
City Manager



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**MEETING DATE:** August 24, 2021

**SUBJECT:** Resolution 2021-72, Declaring a Shelter Crisis Pursuant to Government Code Section 8698.2 and Authorizing the City Manager to Take Steps to Plan for a New Homeless Shelter at 300 S. 22nd Street

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### **RECOMMENDATION:**

Staff recommends Council approve Resolution No. 2021-72, Declaring a Shelter Crisis and authorizing the City Manager to proceed with plans to re-establish a homeless village on City-owned land located 300 S. 22<sup>nd</sup> Street, south of I-10.

### **BACKGROUND:**

Ramsey Street Village was established in April 2020 to provide emergency shelter for homeless individuals in Banning. The shelter provided housing for 40 homeless individuals. Unfortunately, the Village did not have adequate supervision or coordination with support services. As a result, residents did not receive the services needed to help them transition to more permanent housing, employment, etc. Residents also brought a large amount of materials onto the site creating unsanitary conditions.

In December 2020, a fire ignited in one of the units and high winds rapidly swept the fire through all 20 units. The Village was completely destroyed by the fire and all 40 residents were displaced. The site was insured and the full cost of losses was recovered, except for the \$5,000 deductible. In addition, grant applications were submitted to provide funding to re-establish the village. The City was successful in obtaining both grants so it will be possible to re-establish the homeless shelter village, hire a site coordinator, and hire a contractor to provide on-site security on weekends and weekday nights when the site coordinator is not on-site.

Development around the Ramsey Street Village site requires relocation of the homeless shelter village. In addition, the site is very small for the shelters and restroom/laundry/shower facility. As an alternative, a City-owned parcel at 300 S. 22<sup>nd</sup> Street, just south of the Union Pacific rail line has been identified as a proposed location. The site is large enough to accommodate the needs of the shelter village, and with appropriate fencing and screening will have minimal impact on neighboring properties.

Site development for the 22<sup>nd</sup> Street Village would include:

- Water connection
- Sewer connection
- Electrical service connections
- Paving of the site
- Perimeter fencing and screening
- 20 pallet shelters
- Shower/restroom/laundry unit
- Covered meeting space
- Site Coordinator/Security Office
- Community Garden (future)
- Case Management Office (future)

The site coordinator and security will help to ensure a fire or other emergency does not occur at the 22nd Street Village. In addition, site paving and increased separation between shelters will reduce the risk of extensive fire damage. The site coordinator will also connect residents to the types of supportive services needed to help them transition to more permanent housing.

The 22nd Street Village site is designated General Commercial under the City's General Plan and Zoning Ordinance. The Banning Municipal Code does not currently allow homeless shelters to be established within the General Commercial District. However, there is an urgent need to establish this new facility. As noted above, all residents of the Ramsey Street Village were displaced, and there are no other options currently available within the City to provide them or other homeless residents with shelter. Individuals who are living without shelter are at an increased risk exacerbating existing health conditions and developing new health conditions, due to increased exposure to communicable diseases such as COVID-19, violence, and temperature extremes or other adverse weather conditions; heightened stress; the difficulty of maintaining a healthy diet; and inadequate access to sanitation facilities, healthcare, and other services.

In addition, Banning currently has several illegal homeless encampments that are creating public health and safety concerns for community members as well as those occupying the encampments. The number of homeless individuals in Banning has grown in the past several months and impacts on residents and businesses are significant.

In recognition of the housing and homelessness crisis throughout the State of California, State law authorizes jurisdictions to declare the existence of a shelter crisis upon finding that a significant number of persons within the jurisdiction are without the ability to obtain shelter, and that the situation has resulted in a threat to the health and safety of those persons. (Gov. Code § 8698.2.) Upon declaration of a shelter crisis, the City may adopt reasonable local standards and procedures for the design, site development, and operation of homeless shelters, in lieu of compliance with local building approval procedures or state housing, health, habitability, planning and zoning, or safety

standards. Once these local standards and procedures have been adopted, and while the shelter crisis is in effect, the provisions of state and local housing, health, habitability, planning and zoning, or safety standards, procedures, or laws, are suspended for homeless shelters, including but not limited to landlord tenant laws and the requirement for homeless shelters to be consistent with local land use plans. (Gov. Code § 8698.4.)

In sum, the shelter crisis declaration would allow the City to proceed quickly with the 22nd Street Village without amending the site's General Plan or Zoning designation. If the City Council adopts the proposed Resolution, staff will bring forward an urgency ordinance at the next City Council meeting to adopt local standards and procedures for the design, site development, and operation of homeless shelters. This ordinance would be limited to shelters located on City-owned property.

### **JUSTIFICATION:**

The Ninth Circuit's landmark *Martin v. Boise* decision held that the Eighth Amendment prohibits cities from criminalizing the status of homelessness itself by punishing individuals for sleeping outside when they have nowhere else to go. Re-establishing a local homeless shelter village will provide shelter beds within the City and therefore remove an impediment that the Ninth Circuit's decision imposes on cities that seek to enforce "anti-camping" regulations. This will enable City staff to take a more proactive approach to address illegal encampments.

### **FISCAL IMPACT:**

The City has been awarded \$275,000 (\$175,000 ESG-CVII and \$100,000 CDBG) in grant funding and insurance recoveries from the Ramsey Street Village fire are \$185,638, which will provide sufficient funding to create the 22<sup>nd</sup> Street Village. Riverside County recently reached out to notify City staff of the availability of an additional \$215,000 in ESG-CVI leftover funding and ESG-CVII funds. A total of \$460,000 is available to re-establish a shelter village with an additional \$215,000 pending.

<b>Expenses to Re-establish Homeless Shelter Village</b>	
Pallet Shelters (20 units)	\$ 135,100
Fencing	\$ 50,000
Utility Connections (Electric, Water & Sewer)	\$ 50,000
Paving	\$ 100,000
Covered Meeting Space	\$ 10,000
Site Coordinator/Security Office	\$ 10,000
<b>TOTAL</b>	<b>\$ 355,000</b>

### **ALTERNATIVES:**

1. Approve as recommended.
2. Do not approve and provide alternative direction.

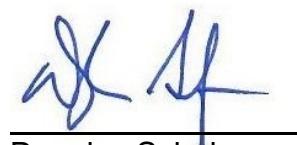
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**ATTACHMENTS:**

1. Resolution No. 2021-72, Declaring Emergency Shelter Crisis  
<https://banningca.gov/DocumentCenter/View/9259/Att-1-Resolution-2021-72-Emergency-Shelter-Crisis-Declaration>
2. Site Location Map  
<https://banningca.gov/DocumentCenter/View/9221/Att-2-Location-Map>
3. Site Plan  
<https://banningca.gov/DocumentCenter/View/9220/Att-3-Site-Plan>

Approved by:



Douglas Schulze  
City Manager